

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHARIF KING,

Plaintiff,

-against-

SHAROD KING,

Defendant.

22-CV-2479 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Sharif King, who is proceeding *pro se* and currently incarcerated at Five Points Correctional Facility, brings this action against his brother, Defendant Sharod King. He asserts a breach of contract claim and invokes the Court's diversity of citizenship jurisdiction. By order dated May 19, 2022, the Court granted Plaintiff leave to file an amended complaint to state facts showing that the parties are of diverse citizenship, and that this District is a proper venue for this action. Plaintiff appealed the May 19, 2022, order on June 2, 2022. (ECF 8.) On June 8, 2022, the Clerk's Office processed the appeal and transferred the action to the United States Court of Appeals for the Second Circuit.

After this action was transferred to the Court of Appeals, Plaintiff submitted a letter, dated June 23, 2022, and received by the Clerk's Office on July 8, 2022, asking the Court to supplement his complaint with the facts stated in his letter. The Court now grants Plaintiff's request to supplement his complaint with his June 23, 2022, letter (ECF 9).¹

¹ The Court could not rule on Plaintiff's request when he filed it because his notice of appeal, filed on June 2, 2022, divested this Court of jurisdiction of the action. On February 10, 2023, the Court of Appeals issued its mandate, dismissing Plaintiff's appeal and restoring jurisdiction to this Court. (ECF 11.)

CONCLUSION

The Court grants Plaintiff's request to supplement his complaint with his June 23, 2022, letter (ECF 9). The Clerk of Court is directed to docket the submission at document number 9 as the "Letter Supplementing the Complaint."

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 20, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge